

Patent
Serial No. 10/043,532
Amendment in Reply to Office Action of September 22, 2005

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated September 22, 2005. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in this application. Claims 1, 6, 10, and 20 are independent claims.

In the Office Action, the title is objected to for not being descriptive. A new title is submitted herewith which is clearly indicative of the invention to which the claims are directed. Accordingly, it is respectfully submitted that the title is now in proper form and an indication to that effect is respectfully requested.

Claims 1-7 and 10-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Publication No. US 2002/0009061 to Willenegger ("Willenegger") in view of U.S. Patent No. 6,862,275 to Dabak ("Dabak"). Claims 8 and 9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Willenegger in view of Dabak in further view of U.S. Patent No. 6,385,462 to Baum ("Baum")

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It seems undisputed that Willenegger does not teach or suggest a "closed-loop power control means being utilized to select a subset of primary stations, selected from the plurality of primary stations, for the transmission of data over at least one data channel between the selected subset of primary stations and the secondary station" as required by Claim 1 (see, the Office Action, page 4, 3rd paragraph).

However, Dabak is cited for suggesting this feature as well as suggesting the combination with Willenegger (See, the Office Action, page 4, last paragraph, through page 5, second paragraph). Dabak shows a communication system for a mobile device receiving a plurality of signals from a plurality of base stations (see, FIG. 5, and the accompanying description in abstract, Col. 2, lines 28-34, and Col. 5, line 52 through Col. 6, line 11). Dabak is predominantly directed towards a time when a mobile unit moves from one base station to another one during a soft handoff (see, Col. 5, lines 58-61). "This soft handoff period requires the mobile unit 512 to select one of the base stations 502-506 with which to communicate." (Emphasis provided, see, Col. 5, lines 61-63.)

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After handoff, (emphasis provided) "[t]he network control station then terminates transmissions of data symbols to the mobile unit 512 in the next data frame from all except the selected base station." (See, Col. 6, lines 7-9.) Dabak teaches that "[t]his greatly reduces interference at the mobile unit during soft handoff." (See, Col. 6, lines 9-10.)

The system of Claim 1 is not made obvious by the teachings of Willenegger in view of Dabak. For example, Willenegger in view of Dabak does disclose or suggest, a system that amongst other patentable elements, comprises (illustrative emphasis provided) "said closed-loop power control means being utilized to select a subset of primary stations greater than one primary station, selected from the plurality of primary stations, for the transmission of data over at least one data channel between the selected subset of primary stations and the secondary station" as required by Claim 1.

Further, the primary station of Claim 6 is not made obvious by the teachings of Willenegger in view of Dabak. For example, Willenegger in view of Dabak does disclose or suggest, a primary station that amongst other patentable elements, comprises

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(illustrative emphasis provided) "[a] primary station for use in a radio communication system having physical control channels arranged for the bi-directional transmission of sets of control information between a secondary station and a plurality of primary stations, and at least one data channel between a selected subset of primary stations greater than one primary station, selected from the plurality of primary stations" as required by Claim 6.

Further still, the secondary station of Claim 10 is not made obvious by the teachings of Willenegger in view of Dabak. For example, Willenegger in view of Dabak does disclose or suggest, a secondary station that amongst other patentable elements, comprises (illustrative emphasis provided) "[a] secondary station for use in a radio communication system having physical control channels arranged for the bi-directional transmission of sets of control information between the secondary station and a plurality of primary stations, and at least one data channel between a selected subset of primary stations greater than one primary station, selected from the plurality of primary stations" as required by Claim 10.

Lastly, the method of Claim 20 is not made obvious by the

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teachings of Willenegger in view of Dabak. For example, Willenegger in view of Dabak does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "method of operating a radio communication system having physical control channels arranged for the bi-directional transmission of sets of control information between a secondary station and a plurality of primary stations, and at least one data channel between a selected subset of primary stations greater than one primary station, selected from the plurality of primary stations, and the secondary station for the transmission of data over the at least one data channel" as required by Claim 20.

Dabak teaches selecting only one base station for continued transmissions. In fact, Dabak teaches away from such a solution as required by current claims 1, 6, 10, and 20 since Dabak teaches that continued communications from more than one base would result in increased interference (e.g., see, Col. 6, lines 9-10 and the discussion above).

Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 6, 10 and 20 are patentable over Willenegger in view of Dabak and notice to this effect is earnestly

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solicited. Claims 2-5, 7-9, and 11-19 respectively depend from one of Claims 1, 6, and 10 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By _____

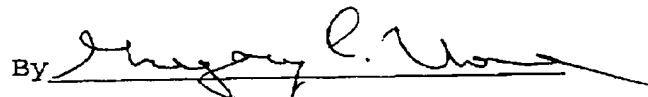
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